

SEVENTEENTH BIENNIAL REPORT

OF THE

STATE FISH AND GAME WARDEN

TO THE

Governor of the State of Iowa.

1906

GEORGE A. LINCOLN, WARDEN.

DES MOINES:
EMORY H. ENGLISH, STATE PRINTER.
1907.

REPORT.

To His Excellency, Albert B. Cummins, Governor of the State of Iowa:

DEAR SIR: Pursuant to the provisions of section 2539, Code of Iowa, creating the office of fish and game warden, I submit herein for your consideration, the seventeenth biennial report of the State Fish Commission, and fifth biennial report of the State Game Warden.

GEO. A. LINCOLN,
Warden.

It is a source of satisfaction to note that the efficiency of the enforcement of the fish and game laws of this State has been notably increased during the past year. Unsatisfactory reports have been decidedly less frequent. Those of an unsatisfactory nature which have been received can be directly traced to the fact that the appropriations made are not sufficient with which to pay deputies for work that should be done.

FEE SYSTEM IS PERNICIOUS.

That the fee system is pernicious and should be abolished is becoming more and more evident. The appropriations should be sufficient to permit of the employment of deputies who would give all their time and attention to the work. They should not be compelled to depend upon fees, which, in many cases, are never paid. The law as at present makes these fees part of the costs and criminals know they cannot be imprisoned for refusal to pay the costs, and they are not slow to take advantage of their rights, or rather of what the law permits them to do. There is another strong reason why the fee system should be abolished. It has been found that in many localities there is an undeveloped public spirit, which does not forcibly condemn an offense against public property (*i. e.* fish and game), though vigorously suppressing similar offense against private property.

Great difficulty is experienced with deputies under the present system. During the past year some of the paid deputies have proven recreant to their duties and to the trust imposed in them, and have

been removed. Some of the best deputies have resigned for the reason they could see but little compensation for the arduous work, which also brought the ill will of their neighbors, incumbent upon them in securing the faithful enforcement of the law.

PROTECTION OF INSECTIVOROUS BIRDS.

Under the law passed by the Thirty-first General Assembly, known as the Audubon bill, it becomes our duty to protect all insectivorous birds. In this connection will say that the wild turkey, pigeon and several other species of the insectivorous birds, which were formerly abundant in the State, are practically gone forever. But by careful consideration the prairie chicken, quail and other beneficial birds cannot only be preserved but can be increased beyond their present numbers. This will guarantee to the farmer and to the suburban resident the best possible protection against insects injurious to vegetation, as well as against mosquitoes, midges and such annoying pests as are the foods of these numerous birds.

For the benefit of the rural population every possible effort should be directed to maintaining and increasing the beneficial, and particularly the insectivorous, birds, together with the game birds, especially the quail. For their contribution to healthful sport, the grouse and chicken family should be increased by means of the proper protection against destruction. In order to bring this about one thing especially to be desired is the fixing of the responsibility of the hunter. In my opinion there is but one way in which this can be determined, and that is by the passage of a resident hunters' license law, which will provide who may hunt, and which will, at the same time, place in the hands of the State a sum sufficient with which to employ deputies who will secure an enforcement of all the laws.

RESIDENT HUNTERS' LICENSE.

I would again urge upon the members of the General Assembly the necessity of the passage of a resident hunters' license law. The State of Iowa is surrounded by states, all of which have a law of this kind on their statute books. In each of these states the law is giving satisfaction to the hunters and all law-abiding citizens. At the same time the law provides a revenue in many of the states, from the parties who should pay for the privilege of hunting, sufficient in amount to pay all salaries and all other expenses connected with the enforcement of the fish and game laws, as well as leaving a surplus which is used for re-stocking. This relieves the treasury of the State from paying for the protection of fish and game for the benefit of the people at large.

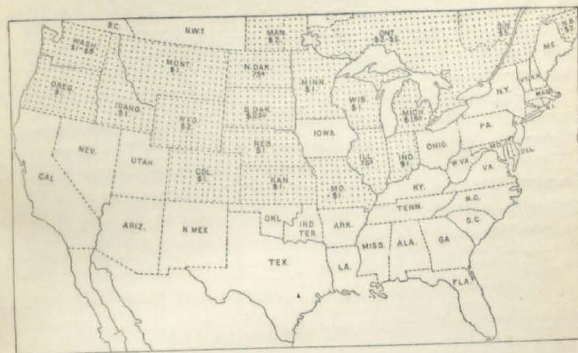


FIG. 1. States and provinces which require residents to obtain hunting licenses.

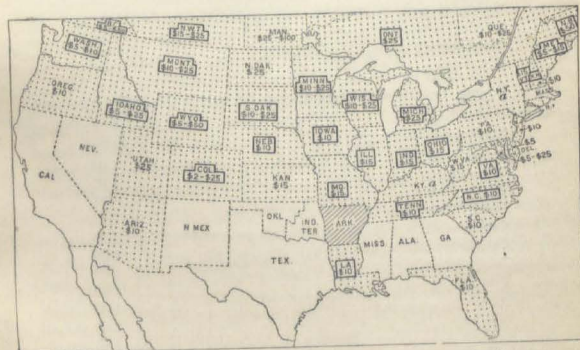


FIG. 2. States and Provinces which require nonresidents to obtain hunting licenses.

Inclosed names indicate that special privileges are granted for taking a limited amount of game out of the State. States marked * have no definite fee. Arkansas does not permit hunting by nonresidents, Massachusetts requires unnaturalized foreign-born residents to secure licenses at \$15, and Washington issues nonresident alien licenses at \$30.

MAPS SHOWING LICENSE LAWS.

The issuing of a license to hunt also places in the hands of the officials a sure check on unlawful hunters. In this way it will be much easier to bring to justice those who are engaged in killing the insectivorous birds.

The resident hunters' license law is now in force in the following states, viz.: Colorado, Idaho, Illinois, Indiana, Michigan, Minnesota, Nebraska, Montana, North Dakota, South Dakota, Washington, Wisconsin, Wyoming, Oregon, Kansas, Missouri, and in the provinces of Manitoba and Ontario, with the following amounts received annually as far as reported:

Wisconsin	\$100,000
Illinois	120,000
Indiana	30,000
Missouri	50,000
Minnesota	40,000
Michigan	20,000
Nebraska	15,000
Idaho	25,000
Colorado	20,000
North Dakota	15,000
South Dakota	10,000
Washington	20,000
Wyoming	5,000

The license fee for resident hunting license in the different states is as follows:

Washington	\$1.00
Idaho	1.00
Wyoming	2.00
North Dakota	.75
South Dakota	2.50
Nebraska	1.00
Kansas	1.00
Colorado	1.00
Minnesota	1.00
Wisconsin	1.00
Illinois	1.00
Michigan	1.50
Indiana	1.00
Manitoba	2.00
Ontario	2.00

Iowa stands alone amongst all these states in not insisting that those who hunt pay for the privilege. Resident licenses are for the purpose of regulating hunting. The chief use they subserve is in raising funds for the use of the Commission. Yet at the same time they provide a system of identification of hunters, which is of the

greatest value in securing the enforcement of the laws. With the exception of the small fee allowed to the officer issuing the license, the proceeds from the issuance of the license are used in payment of deputy wardens and the expense incurred in connection with the employment of the deputy wardens. I most urgently recommend the passage of a resident hunting license law, as in my opinion it would prevent a large amount of unlawful hunting and at the same time place in the State treasury for the enforcement of the law not less than \$30,000 per annum.

In connection with this subject I desire to quote from the report of State Fish and Game Warden J. H. Rodes of Missouri, whose report shows that under the resident license law of that State in 1905 there was received for licenses the sum of \$48,473.35.

THE AGRICULTURIST AND HORTICULTURIST.

"From a careful study of the subject of fish and game protection and the laws relating thereto, we find that in a great many states where laws have been enacted, they have been brought about largely through the interest taken in the subject by the agriculturist and horticulturist, the purpose being to protect game and insectivorous birds and preserve them in the largest numbers as valuable allies to the farming community. These classes of people have found that in the destruction of the various harmful insects that prey upon the growing vegetation to their detriment and in destroying noxious weed seeds and other harmful vegetation they perform a service that cannot be overestimated. In addition to this the farming community has favored the license system for other good and sufficient reasons.

"In the first place, and among the chief reasons, it may be mentioned that the law has a tendency to take the guns out of the hands of the adventurous and thoughtless youths of the country and place them in the hands of older persons of more mature age and discretion. Again, it has a marked tendency to take the guns out of the hands of a predatory and roving class of citizens, who have no means of support other than to subsist from hand to mouth in an improvisational way. This class of people is found largely about the cities, county seats and even the small towns, and rove at will over the premises of adjacent owners. Sometimes they either wantonly or accidentally kill or injure stock, break down fences in the farming communities and wantonly shoot at everything that comes within their range and observation, whether in orchard, field or in garden. Another strong reason in favor of the law is because it has a ten-

dency to restrain and handicap predatory vandals who may secure enough ammunition for half a day's shooting in the country, but who never secure enough money at one time to purchase and pay for a hunter's license. This class of roving hunters have no regard or respect for the fence they break down, or the grain they destroy, and if unsuccessful in securing a supply of game, do not hesitate to shoot poultry and domestic fowls. They fill their pockets with fruit and commit other depredations. They are a standing menace and nuisance to the community in which they roam. We have heard many favorable comments from farmers and agriculturists of the improved condition of affairs in this respect since the enactment of the license law.

"The decent, law-abiding and self-supporting man who pays his license fee, as a rule, will not undertake to trespass upon the farms or agricultural community, and in most instances feels it is his duty to respect the rights of the husbandman and to secure his permission and consent before he ventures upon his land and tenements."

I heartily agree with the above and am satisfied that if the farming community would thoroughly consider these statements they would find that they fit their case exactly and that they have been bothered with this same roving class of hunters to their injury and sorrow, and that they would consequently demand the passage of a resident hunting license if left to them.

Again, the farmer, agriculturist and horticulturist should demand from the legislature some provision that would have a tendency to prevent the small boy, the foreigner and the roving hunter from killing everything that comes to their gun, including all insectivorous birds. By referring to the report of Dr. S. D. Judd, to the Biological Survey of the United States Government, the farmer, the agriculturist, and horticulturist will find the advantages of birds in their tireless and continuous destruction of all insects, including webworms, caterpillars, grasshoppers, spiders, cabbage worms and thousands of other insects that prey upon and injure growing crops and vegetation.

From an examination of the craws of a number of birds in this country it was found that they daily contained many thousand insects, ranging from 250 caterpillars to 3,000 ants and other smaller insects. He has estimated that the seed-eating birds consume over 800 tons of obnoxious weed seeds in a single season. He reports that the craw of a single dove contains 7,500 seeds of yellowhood-sorrel, and another had 9,200 miscellaneous seeds picked up in a period of eight

hours. Of such value are these song and insectivorous birds becoming that the United States Government is constantly publishing and distributing much literature upon the subject. Even some of the states, by reason of its great importance to agriculture and horticulture, are paying for lecturers, who devote their entire time to the education of the public, to the great value of these birds to the husbandry of the State.

NON-RESIDENT LICENSE LAW.

I would respectfully call your attention to the non-resident license law as it now stands.

Chapter 86, Acts Twenty-eighth General Assembly, makes a non-resident license fee in the sum of \$10.00 for each county. This is really a county license instead of a State license, as in other states. In my opinion that chapter should be repealed and a new law enacted for non-residents to conform with the same law in states surrounding us, and making such license fee in the sum of \$10.00 for the State for hunting during the open season. The law should provide that such license could be issued by the auditor of any county in the State upon blanks furnished him by the warden; said license money to be remitted monthly to the State treasury for the benefit of fish and game protection fund; and providing further that the auditor make report monthly to the State warden, giving names, residence, etc., to whom licenses were issued, in order that the record could be kept accurately. Under the present law I have no means of ascertaining the number of licenses issued or amounts received for such licenses, and cannot make report.

DISTRIBUTION OF FISH.

The following carloads of fish were distributed at points and public waters named from Sabula with the State fish car, Hawkeye, during the year 1905:

Waucoma, Turkey river.
Riceville, Wapsie river.
Marshalltown, Lake Dewey.
Eldora, Iowa river.
Spirit Lake, lake.
Marion, Indian creek.
Cedar Rapids, Cedar river.
Car mileage, 2,949 miles.
Estimated number of fish distributed, 125,000.

These fish are all classed as game fish and consisted of bass, pike, pickerel, crappie, perch, sunfish, catfish, etc., and are of the sizes

that will take care of themselves after being placed in the different streams and lakes, while a majority of them will spawn and reproduce the next season.

The efficacy of this distribution of fish is shown in the variety and size of the fish now found in the interior lakes and other public waters. These fish are taken from the ponds and bayous near Sabula, Iowa, and are of good size and healthy, while the transferring to the interior waters of the State breeds a healthy class of fish. In my opinion this is the most practical way of re-stocking the public waters and should at all times be followed. In my opinion liberal appropriations should be made by the legislature for carrying on this work.

GATHERING FISH FROM BAYOUS.

Hundreds of thousands of small fry and fingerlings have been taken from the ponds lying along the different rivers of the State and placed in the running water. These ponds dry up and others freeze to the bottom, and the replacing of fish which congregate in them is saving just that many fish from destruction. In some cases I have paid for this labor, but in a large number of cases the work has been done by the deputy wardens without compensation. In connection with this distribution of fish I desire to call your attention to the great work done by the United States Fish Commission under the direction of Mr. R. S. Johnson, superintendent of the Government hatchery situated at Manchester, Iowa. The many requests of your warden, as well as other citizens of the State, for fish, both for the public waters of the State and ponds and lakes owned by private parties, have been carefully attended to, as shown in tabulated form in the appendix. Thanks are due to him also for his courteous attention to these requests and his prompt action.

The waters in our lakes and rivers during the year have been about normal, and fishing of all kinds has been excellent, as reports show from all sections of the State.

GAME.

Game birds are more numerous than for several years. The mild winter of 1905-06, and the excellent breeding weather of this year, have increased the number in many ways. In thirty-five counties of the State prairie chickens are reported in good condition and numerous. Quail are abundant, as shown from all reports. While ducks nested and stayed with us all the year.

The game law has been respected, and but few cases of unlawful hunting have been reported. Every case reported, however, has been looked after and the guilty parties brought to justice.

I would again ask that Section 2551 be so amended that the snipe would have a closed and open season, as other game birds.

There have been so many inquiries in reference to the interstate commerce law on shipments of game birds, known as the Lacey law, I desire to insert the law in full in the appendix to this report.

EX OFFICIO FISH AND GAME WARDEN.

Section 2539 of the Code as amended by the Acts of the Twenty-ninth General Assembly constitutes sheriffs, constables and all police officers of the State *ex officio* fish and game wardens, and charges them with the same duties as your warden or his deputies. We regret to say that for some reason unknown very little assistance or aid in enforcing the fish and game law has come from this source. All other laws for crimes against private property seem to be fairly enforced, but when it comes to this law and crimes against public property, the activity and vigilance shown in other cases cease. If this could be remedied and the constabulary of the State would interest themselves in the enforcement of this law, few violators would escape arrest, and the problem of the protection of fish and game would, in a great measure, be solved. The expenses of this Commission, at the same time, would be reduced. We would therefore request that all peace officers, courts and justices of the peace, endeavor to see that the fish and game law is enforced in their respective jurisdictions, the same as other laws of the State.

DEPUTY FISH AND GAME WARDENS.

Your warden has now under commission 223 deputy fish and game wardens. The majority of these wardens are not in active duty, but accept commissions, hoping they may be of some benefit in upholding the law in their localities. They have drawn no compensation for their services. Of the wardens who are active and have been paid for their services when notified from this office to act, I can only render them my thanks for the prompt and vigorous action taken by them, and for the good results obtained. As a result of their work numerous arrests of violators of the law have been made and numerous fines paid. Not only this, but unlawful devices have been destroyed and the influence for good has been very evident.

Many commissions have been issued to responsible parties who came well vouched for, simply to assist in getting evidence for the

active deputies in order to carry on the prosecution of their cases. Many wardens holding commissions have not reported regularly to this office, yet it is hoped they are holding commissions in good faith. Only in a few instances have we had occasion to suspect parties holding commissions have made improper use of them. In all such cases the commissions have been promptly canceled.

STATE DEPUTY WARDENS.

The following is a complete list of those holding commissions as deputy fish and game wardens.

Geo. Andrews, Oskaloosa.
G. E. Anson, Glidden.
R. Ashe, Webster City.
Henry Adams, Iowa Falls.
H. Anderson, Burlington.
J. R. Anderson, Lake City.
Jno. Adams, Forrestville.
C. O. Bailey, Washington.
O. E. Bechtel, Harper.
E. C. Brown, Council Bluffs.
W. H. Blackburn, Jefferson.
W. W. Berry, Grinnell.
Lisle Burnam, Ft. Dodge.
F. P. Brownell, Eldora.
R. M. Bainter, Zearing.
Wm. Briles, Chariton.
B. T. Bouna, Lynnville.
H. Barmeier, Dubuque.
John Bolin, Clarkville.
J. C. Burg, Ottokew.
J. Bauer, Odebolt.
W. R. Boyd, Oelwein.
I. A. Belland, New Hampton.
E. S. Bogans, Toledo.
Jos. Baker, Storm Lake.
H. Beals, Eagle Grove.
Geo. Burlingame, Clinton.
Ira Bennett, Hawarden.
Geo. H. Berry, Cedar Rapids.
Wm. Bethel, Davenport.
A. S. Bender, Postville.
E. R. Bell, Lake View.
L. A. Brown, Water City.
E. E. Brees, Waterloo.
Henry Carter, Monticello.
A. H. Chapman, Vinton.
Frank Carson, Maquoketa.
A. A. Cole, Nevada.
Geo. A. Collins, Sioux Rapids.
Chas. Chamberlain, Rutland.
Geo. Cane, Akron.
C. M. Cook, Marshalltown.
R. H. Cook, Marshalltown.
J. B. Conner, Albia.
John Conrad, Hawarden.
F. H. Conner, Tipton.
Ed M. Campbell, Ottumwa.
C. P. Coulson, Chelsea.
B. C. Davis, Ft. Madison.
C. M. Davis, Reinbeck.
E. F. Donahue, Estherville.
Jet Dorson, Rockwell City.
J. H. Daniels, West Union.
N. J. Daniels, Sioux City.
J. E. Dose, Humeston.
F. A. Dvorak, Elberon.
Chas. Dorman, Strawberry Point.
Wm. Dockendorf, Sheldon.
J. W. Douglas, Maxwell.
W. A. Edgar, Cedar Rapids.
Tom Ewing, Ackley.
J. Edington, Eldora.
W. H. Erman, Eldora.
H. W. Emeny, Eldora.
Right Elliott, Koszta.
S. S. Ellis, Little Sioux.
C. W. Everett, Van Meter.
E. F. Eckliff, Rock Rapids.
S. A. Fergusen, Rowan.
A. Fresch, Bancroft.
Ed E. Fox, Webster City.
Theo. Farquhar, Early.
W. Fident, Dunkerton.
A. L. Fairbanks, Chester.
F. Fisher, Eagle Grove.
H. Flowers, Storm Lake.
L. Ganshorn, Rockford.
W. A. Granger, Nashua.
F. J. Gunn, Elma.
T. J. Griffith, Lucas.
L. H. Griffith, Lucas.
A. M. Green, Sioux City.
Thos. Gooch, Le Mars.
N. Giger, Sheldon.
W. H. Green, Cedar Rapids.
Ted Hinton, Goldfield.
Jno. C. Hall, Des Moines.
C. H. Hall, Anthon.
I. H. Higbee, Eagle Grove.
F. C. Harper, Panora.
F. C. Harper, Panora.
R. G. Hawkins, Wapello.

J. Horner, Northwood.
P. L. Hartsough, Oelwein.
M. J. Hyde, Garner.
Chas. S. Head, Sumner.
C. E. Hutt, Charter Oak.
F. W. Hall, Corning.
G. B. Holmes, Clarion.
A. D. Horton, Hawarden.
C. F. Hatcher, Maxwell.
F. E. Hammond, Hamburg.
E. C. Hinshaw, Okoboji.
Wm. H. Horsley, Marshalltown.
P. E. Hanes, Maynard.
E. Harker, Milford.
John Harris, Des Moines.
N. A. Impson, Grant City.
D. J. Jones, Pekay.
O. E. Jackson, Red Oak.
G. B. Johnson, Buffalo Center.
E. J. Jimmerson, New Hartford.
P. C. Kibler, Eldora.
C. B. Kuhl, Sioux City.
Wm. Kavanaugh, Perry.
A. T. Lake, Corwith.
C. A. L. Loomis, Chester.
F. P. Lamb, Cedar Rapids.
W. C. Lockwood, Herndon.
I. Landinger, Emerson.
Ed W. Lamka, Dresden.
H. Lightfoot, Fernald.
C. E. Lockwood, Herndon.
Wm. Lenker, Williamsburg.
J. G. McPherson, Alden.
J. McDonald, Washita.
Jno. McCormick, Toledo.
C. C. McKee, Sioux City.
U. E. Moss, Greene.
L. Meadows, Chariton.
T. J. Miller, Ottumwa.
Fred Mayer, Humboldt.
W. Matthews, Rock Valley.
J. S. Murty, Montour.
A. H. Maffitt, Webster City.
H. C. Maudsley, Twin Lakes.
R. A. Marks, Sioux City.
A. D. McGinnis, Hawarden.
F. Myers, Hawarden.
F. E. Mead, Oxford Mills.
T. H. Nueman, Walford.
Geo. R. Norton, Onawa.
D. R. Onan, Cedar Falls.
O. Olson, Goodell.
A. M. Oxley, Marion.
G. W. O'Connell, Ruthven.
Geo. W. Oaks, Chatsworth.
J. P. O'Brien, Hawarden.
Alva Page, Waterloo.
Chas. Pooch, Algona.
J. S. Pirrie, Plover.
E. H. Pierce, Cedar Rapids.
R. H. Porter, Linn Junction.
F. J. Penisten, Leon.
H. D. Pierson, Omaha, Neb.
Fred Peck, Clinton.
Chas. E. Phillip, Cincinnati.
Dan Perdue, Osceola.
N. Rosenkranz, Marble Rock.
Chet Rogers, Lisbon.
M. Reiley, Bancroft.
C. F. Rummel, Olin.
D. H. Rousseau, Lovillia.
J. W. Randen, Boone.
C. A. Robinson, Massillon.
I. Roberts, Sutherland.
J. W. Rambo, Mingo.
F. Strope, Rockwell City.
J. W. Swinford, Mystic.
H. Roup, Mystic.
L. O. Scott, McCallsburg.
C. H. Swift, Sabula.
H. A. Skavian, Cherokee.
J. D. Scott, Mediapolis.
Geo. Sloat, Chickasaw.
S. T. Sargeant, Nauvau.
C. T. Swords, De Witt.
A. E. Schecker, Ventura.
S. Schippert, Burlington.
L. F. Swaney, Clinton.
L. Slyde, Webster City.
G. T. Shannon, Atlantic.
M. A. Shelton, Bloomfield.
W. L. Sloum, Clinton.
H. C. Sellsbury, Cresco.
Geo. J. Stachle, Earlville.
Paul Shader, Sumner.
J. M. Smith, Waucoma.
G. H. Todd, Nashua.
C. M. Thomas, Maquoketa.
T. H. Taylor, Emmetsburg.
T. K. Tollefson, Forest City.
H. C. Thompson, Lake Park.
H. C. Tennant, Arnold's Park.
W. A. Thurber, Mederville.
H. Tubbs, Manchester.
Ed Tessler, Rock Rapids.
S. E. Wickham, Clermont.
A. P. Wise, Whiting.
F. Ward, Fairbank.
J. K. Winfrey, Runnels.
R. W. White, Charles City.
E. Whittman, Elmore, Minn.
L. E. White, Estherville.
J. F. Weatherly, Titonka.
A. Welsh, Correctionville.
A. W. Williams, Osceola.
R. F. Wilson, Okoboji.
E. J. Wiley, West Liberty.
O. P. Waterburg, Nora Springs.
W. W. Woody, Mt. Auburn.
Jas. M. Ward, Storm Lake.
Wm. Watt, Des Moines.
Geo. Young, Clarksville.
Lymon Young, Colfax.
H. H. Yordy, Waterloo.
Wm. Zipsie, Cherokee.

DIRECTORY OF OFFICIALS IN THE UNITED STATES AND PROVINCES.

Washington, D. C.—

James Wilson, secretary of agriculture.
C. Hart Merriman, chief biological survey.
F. S. Palmer, in charge game preservation.

Arizona—W. L. Pinney Phoenix.

California—W. W. Van Arsdale, San Francisco.

Colorado—J. M. Woodward, Denver.

Connecticut—Geo. T. Mathewson, Thompsonville.

Delaware—A. D. Poole, Wilmington.

Idaho—Wm. N. Stephens, Rexburg.

Illinois—John A. Wheeler, Springfield; Nat Cohen, Urbana.

Indiana—Z. T. Sweeney, Columbus.

Iowa—Geo. A. Lincoln, Cedar Rapids.

Kansas—D. W. Travis, Pratt.

Maine—L. T. Carleton, Augusta.

Maryland—O. M. Dennis, Baltimore.

Massachusetts—Geo. W. Field, Boston.

Michigan—Chas. H. Chapman, Sault Ste. Marie.

Minnesota—S. F. Fullerton, St. Paul.

Missouri—Jos. H. Rodes, Sedalia.

Montana—Wm. F. Scott, Helena.

Nebraska—Geo. L. Carter, Lincoln.

New Hampshire—Nathaniel Wentworth, Hudson.

New Jersey—James M. Stratton, North Long Beach.

New Mexico—W. E. Griffith, Santa Fe.

New York—James S. Whipple, Salomanca; John B. Burnham, Essex.

North Carolina—R. H. Lewis, Raleigh.

North Dakota—Clarence A. Hall, Grand Forks; Wm. McKean, Sanborn.

Ohio—Paul North, Cleveland.

Oklahoma—Eugene Watrous, Enid.

Oregon—J. W. Baker, Cottage Grove.

Pennsylvania—James H. Worden, Harrisburg.

Rhode Island—John H. Falmagan, Providence.

Tennessee—Jos. H. Acklen, Nashville.

Utah—John Sharp, Salt Lake City.

Vermont—Henry G. Thomas, Stowe.

Washington—John L. Riseland, Bellingham.

West Virginia—J. H. Marcum, Huntington.

Wisconsin—Jonas Swenholz, Madison.

Wyoming—D. C. Nowlre, Lander.

Canada—

Alberta—Benj. Lawton, Edmonton.

British Columbia—A. B. Williams, Vancouver.

Manitoba—Charles Barber, Winnipeg.

New Brunswick—L. B. Knight, St. John; D. G. Smith, Chatham.

Newfoundland—Eli Dawe, St. John.

Nova Scotia—L. C. Power, Halifax.

Ontario—E. Tinsley, Toronto.

Prince Edward Island—E. T. Carbonell, Charlottetown.

Quebec—Hector Caran, Quebec.

Saskatchewan—T. N. Willing, Regina.

Mexico—Prof. A. Z. Herrera, City of Mexico.

SUMMARY OF WORK OF THE DEPARTMENT.

Number of arrests reported for violations of the fish and game laws from June 30, 1905, to June 30, 1906.....	122
Number of convictions.....	113
Acquittals.....	7
Jail sentences.....	2
Permits issued for scientific purposes.....	4
Fines and costs paid.....	\$3,260.50
Value of illegal fishing devices confiscated and destroyed (estimated).....	641.00

EXPENDITURES.

Balance on hand June 30, 1905.....	\$4,833.31
1905.	
July.....	\$302.16
August.....	364.52
September.....	293.95
October.....	749.62
November.....	480.67
December.....	226.30
1906.	
January.....	271.13
February.....	309.58
March.....	296.07
April.....	422.36
May.....	472.85
June.....	524.64
Balance on hand.....	\$ 119.46

ESTIMATE OF FUNDS NECESSARY FOR PERIOD JULY 1, 1907, TO JUNE 30, 1909.

For protection of fish and game and the payment of deputy wardens.....	\$12,000.00
For gathering fish at Sabula and car mileage.....	3,000.00
Total.....	\$15,000.00

ACKNOWLEDGMENTS.

Your warden again desires to acknowledge his indebtedness to the press of the State for their untiring work and uniform kindness in publishing the laws and all notices sent them for the enlightenment of the people regarding the provisions of the law.

To the railroad managers and officials of the railroads for the practical way they have handled the fish-car Hawkeye, and for the many favors granted in making it possible for the State to distribute fish to the interior public waters.

To the many fish and game clubs throughout the State, the members of which have assisted me in many ways.

To R. S. Johnson, superintendent of the United States hatchery at Manchester, Iowa, for the large number of fish planted in Iowa waters at request of your warden and other interested citizens of our State.

To the faithful deputy wardens who have been ever ready to assist me in upholding the law, and who, by their work have saved many fish from destruction by transferring them to deep water.

To Your Excellency and members of the Council for many kindnesses and prompt action in all matters pertaining to my office.

All these courtesies have assisted me in carrying on the work of the Commission, and for which, to you, one and all, I am indebted and herewith respectfully submit my report.

GEO. A. LINCOLN,
State Fish and Game Warden.

PROTECTION AND IMPORTATION OF BIRDS UNDER
ACT OF CONGRESS APPROVED MAY, 25, 1900.
U. S. DEPARTMENT OF AGRICULTURE.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., July 13, 1900.

The Act of May 25, 1900, commonly known as the Lacey Act, (1) places the preservation, distribution, introduction, and restoration of game and other birds under the Department of Agriculture; (2) regulates the importation of foreign birds and animals, prohibiting absolutely the introduction of certain injurious species; and (3) prohibits interstate traffic in birds or game killed in violation of State law. The Act reads as follows:

An Act to enlarge the powers of the Department of Agriculture, prohibit the transportation by inter-state commerce of game killed in violation of local laws and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various states and territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto, where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

The Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.

Sec. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under

special permit from the United States Department of Agriculture: **Provided**, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domestic canaries, parrots, or such other species as the Secretary of Agriculture may designate.

The importation of the mongoose, the so-called "flying-foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

Sec. 3. That it shall be unlawful for any person or persons to deliver to any common carrier or for any common carrier to transport from one state or territory to another state or territory, or from the District of Columbia or Alaska, to any state or territory, or from any state or territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the state or territory, or district in which the same were killed: **Provided**, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same be lawfully captured, and the export of which is not prohibited by the law in the state, territory or district in which the same are killed.

Sec. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section one of this Act, shall be plainly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this Act the shipper shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this Act shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding two hundred dollars.

Sec. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies or parts thereof, of any wild game animals, or game or song birds transported into any state or territory, or remaining therein, for use, consumption, sale or storage therein, shall upon arrival in such state or territory be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds of bird plumage manufactured from the feathers of barnyard fowl.

Approved, May 25, 1900.

The object of placing this work in charge of an executive department of the Federal Government was merely to supplement and not to hamper or replace the work hitherto done by State commissions and organizations; in other words, to co-ordinate and direct individual efforts, and thus insure more uniform and more satisfactory results than could otherwise be obtained. Greater uniformity in State legislation and better enforcement of existing laws can be secured only by the most complete co-operation between the various forces now at work in the cause of bird protection.

PROPAGATION AND DISTRIBUTION OF GAME BIRDS.

No provision for distribution of birds.—The Act authorizes, but does not provide an appropriation for, the purchase and distribution of birds. The Department of Agriculture, therefore, has no quail, pheasants or other game birds for distribution.

The department issues no permits for shipping birds *from one State to another*. In some States, as in California, the board of fish and game commissioners is authorized to issue permits for shipping birds for propagating purposes, and a few states, such as Michigan, and New Jersey, make exceptions in their game laws in the case of birds captured for breeding purposes; but when a State forbids the exportation of birds without exception, interstate commerce in birds from that State is in violation of the Lacey Act, whether the birds are captured during open seasons or whether they are intended for propagation or not.

IMPORTATIONS OF FOREIGN ANIMALS AND BIRDS.

Persons contemplating the importation of live animals or birds from abroad must obtain a special permit from the Secretary of Agriculture, as required by section 2 of the Act. The law is mandatory and makes no exceptions besides those noted below. It applies to single mammals, birds, or reptiles, kept in cages as pets, as well as to large consignments intended for propagation in captivity or otherwise. But in order to avoid the unnecessary hardship and annoyance the list of species which may be admitted without permits will be extended at an early date.

Applications for permits.—Importers are advised to make application for permits in advance, in order to avoid annoyance and delay when shipments reach the custom-house. Application blanks may be obtained from the department. Requests for permits may be made in the following form:

To the Secretary of Agriculture,
Washington, D. C.

Sir: I respectfully request that a permit be issued for the importation of.....which will probably arrive at the port of.....from.....on or about.....190.....destined for..... These animals or birds will be (state whether the animals or birds are to be liberated or kept in captivity, and whether imported for propagation, exhibition or other purposes). Very respectfully,

Applications may also be made by telegraph, in which case the message should contain (1) the number and species of birds and animals for which a permit is desired, (2) the port of entry, (3) the country from which imported, and (4) the owner's name.

Exceptions.—Permits are not required for domesticated birds such as chickens, ducks, geese, guinea fowl, peafowl, pigeons, or canaries; for parrots (including cockatoos, lovebirds, macaws, and parakeets); or for natural history specimens for museums or scientific collections. Permits must be obtained for all wild species of pigeons and ducks, and when domesticated as well as wild birds are included in the same shipment all the species should be mentioned in the letter of application, in order to avoid any misunderstanding as to the term "domesticated."

Ruminants.—In the case of ruminants (including deer, elk, moose, antelopes, and also camels and llamas), permits will be issued, as heretofore, in the form prescribed for importation of domesticated animals. Such animals will be subject to inspection and quarantine, as required under Order No. 56 of the bureau of animal industry dated December 28, 1899, entitled "Regulations for the inspection and quarantine of horses, neat cattle, sheep, and other ruminants, and swine imported into the United States."

Species prohibited.—The introduction of the English or European house sparrow, the starling, the fruit bat or flying fox, and the mongoose, known also as the ichneumon or Pharaoh's rat, is absolutely prohibited, and permits for their importation will not be issued under any circumstances. Importers are cautioned against placing any of these species in cages with other birds or animals. Such action will render the shipment liable to detention at the custom-house, as the species named must be exported or destroyed at the expense of the owner or agent.

Permits.—Permits will be issued free of charge upon receipt and approval of applications. They will be made out in duplicate, one copy to be attached to the bill of lading, and the other forwarded by

mail or delivered to the collector of customs at the port of entry for use in case the original is lost. Permits will be made out in the name of the owner or agent, will be accepted only at the port and for the shipment named therein, and will be void 30 days after the date set for the arrival of the shipment at the port of entry.

Customs regulations.—Under the regulations prescribed by the Secretary of the Treasury under date of June 28, 1900 (Department Circular No. 101, Division of Customs), persons who have not already secured permits will be allowed 10 days in which to secure them after the arrival of the shipment at the port of entry. In such cases an examination will be made at once; duties, if any, estimated and deposited; and a stipulation filed with the collector within 24 hours after arrival to produce the necessary permit within 10 days. Upon filing a voluntary bond with approved securities in double the invoice value (but not less than \$10), the importer may secure the delivery of the property upon condition that, in the event of failure to secure the necessary permit, it shall be redelivered to the collector within 10 days after date of entry. Property remaining in the custody of the officers of customs pending issue of the permit will be retained wholly at the expense of the importer.

In case of doubt as to whether animals or birds belong to prohibited species, or suspicion on the part of the collector that such species are being entered under other names, the shipment will be held at the risk and expense of the importer pending the receipt of special instructions from the Department of Agriculture, or until examined at the expense of the importer by a special inspector designated by the Secretary of Agriculture and the identity established to the satisfaction of the collector.

Special inspectors.—For the convenience of importers special inspectors will be designated at the ports of New York, Boston, Philadelphia, Baltimore, Washington, New Orleans, and San Francisco, who will examine shipments at the request of the owner or agent or who may be consulted in case of misunderstanding between owner and officers of the customs. The inspector will be entitled to a fee for such service (in ordinary cases not exceeding \$5 for each shipment), which shall be paid by the importer before delivery of the property. These inspectors are designated merely for the convenience of importers, and owners or agents are under no obligations to employ them. But the identity of species must be established to the satisfaction of collectors and in case of refusal or neglect on the part of the owner or agent, or failure to obtain the permit within the

specified time, delivery of the property will be refused and immediate exportation required. As representatives of this department, special inspectors will be authorized to settle all questions involving the identity of species, as to whether permits are necessary, or whether species are prohibited from introduction; and their decisions shall be accepted as final by officers of the customs.

TRANSPORTATION OF PROHIBITED SPECIES.

Attention is called to the clause in section 3 which makes it unlawful for any person or persons to deliver to any common carrier or for any common carrier to transport any foreign animals or birds the importation of which is prohibited by section 2. Of the species prohibited, the mongoose and flying fox have not yet gained a foothold in the United States. The European starling (*Sturnus vulgaris*) has been introduced at several points and is now present in the lower Hudson River Valley, N. Y.; at Pittsburg, Pa.; and at Portland, Ore. The English sparrow (*Passer domesticus*) has spread to most of the states and territories, but is present at comparatively few points in Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, and apparently has not yet reached Arizona or Nevada. The deliberate shipment of starlings or English sparrows from one State to another is now a violation of law and renders the shipper and carrier liable to the penalties provided in section 4. It may be possible, therefore, to prevent the spread of the English sparrow to states where the bird is now absent, while those states in which it has gained only a slight foothold have an opportunity to rid themselves of the pest by adopting vigorous measures for the destruction of the few sparrows within their limits.

INTERSTATE TRAFFIC IN ANIMALS OR BIRDS KILLED OR SHIPPED IN VIOLATION OF STATE LAWS.

* The attention of sportsmen, commission merchants, shippers, and express agents is especially called to sections 3, 4 and 5, which make it unlawful to ship from one State to another animals or birds which have been killed or captured in violation of the local laws and which require all packages containing animals or birds to be plainly marked so that the name and address of the shipper and the nature of the contents may be ascertained by inspection of the outside of such packages. Common carriers are cautioned to notify their agents to insist that all packages supposed to contain game or other animals or birds must be marked with the shipper's name and the contents. Shipment in any form that tends to conceal or obscure the nature of

the contents or the shipper's name and address is plainly an evasion of the Act, and the penalty applies to evasions as well as to violations of the law. The Act also prohibits interstate commerce in game, though killed in open seasons, if the law of the State in which such game is killed prohibits its export.

In referring to these sections, the house committee on interstate commerce reports as follows: "The killing or carrying of game within the limits of a State is a matter wholly within the jurisdiction of the State, but when the fruits of the violation of State law are carried beyond the State, the Nation alone has the power to forbid the transit and to punish those engaged in the traffic. This bill will give the game wardens the very power they now lack and which will be the most effective for the purpose of breaking up this commerce. * * * In some of the states the sale of certain game is forbidden at all seasons without regard to the place where same was killed. The purpose of these laws is to prevent the sale of game shipped into the State from being used as a cloak for the sale of game killed within the State in violation of local laws." Section 5 of the Act is intended to meet this difficulty by subjecting imported animals, birds, or game, whether introduced in original packages or otherwise, to the laws of the State in which imported.

PRESERVATION AND IMPORTATION OF BIRDS IN CHARGE OF THE BIOLOGICAL SURVEY.

The division of biological survey is hereby placed in charge of all matters relating to the preservation and importation of animals or birds under this Act, and until further notice the assistant chief of that division will have immediate charge of the issue of permits for the importation of animals and birds from foreign countries. All inquiries regarding bird protection and all requests for publications on the uses or preservation of birds should be addressed to the chief of the biological survey.

JAMES WILSON,
Secretary.

FISH DISTRIBUTED IN IOWA WATERS BY U. S. BUREAU OF
FISHERIES FROM JULY 1, 1905, TO JUNE 30, 1906.

Rainbow Trout Fry.

No.	Stream or Applicants.	Place.
25,000	Iowa River.....	Iowa Falls, Iowa.
25,000	Little Sioux River.....	Cherokee, Iowa.
25,000	Des Moines River.....	Estherville, Iowa.
25,000	Shell Rock River.....	Nora Junction, Iowa.
25,000	Cedar River.....	Charles City, Iowa.
25,000	Wapsipicon River.....	Iona, Iowa.
20,000	Turkey River.....	Cresco, Iowa.
45,000	Canoe Creek and Tributaries.....	Decorah, Iowa.
20,000	Paint Creek.....	Waukon, Iowa.
20,000	Village Creek.....	Waukon, Iowa.
15,000	Maquoketa River.....	Manchester, Iowa.
10,000	Spring Branch.....	Manchester, Iowa.
20,000	Volga River.....	Fayette, Iowa.
90,000	Applicants	
<u>390,000</u>		

Rainbow Trout Yearlings.

5,000	Clear Creek.....	Lansing, Iowa.
5,000	Paint Creek.....	Waukon, Iowa.
5,000	Village Creek.....	Waukon, Iowa.
15,000	Canoe Creek.....	Decorah, Iowa.
3,000	Applicants	
<u>33,000</u>		

Rainbow Trout Adults.

240	Spring Branch.....	Manchester, Iowa.
-----	--------------------	-------------------

Brook Trout Yearlings.

5,000	Spring Branch.....	Manchester, Iowa.
10,000	Village Creek.....	Lansing, Iowa.
3,000	Clear Creek.....	Lansing, Iowa.
5,800	Applicants	
<u>23,800</u>		

Pike Perch Fry.

300,000	Maquoketa River.....	Manchester, Iowa.
500,000	Cedar River.....	Waterloo, Iowa.
<u>800,000</u>		

Crappie Yearlings and Adults.

17,000	Mississippi River.....	Bellevue, Iowa.
700	Applicants	
<u>17,700</u>		

Lake Trout Adults.

No.	Stream or Applicants.	Place.
132	Lake Okoboji.....	Spirit Lake, Iowa.

Steelhead Trout Adults.

165	Lake Okoboji.....	Spirit Lake, Iowa.
-----	-------------------	--------------------

Ring Perch Yearlings.

365	Maquoketa River.....	Manchester, Iowa.
-----	----------------------	-------------------

Small Mouth Black Bass Yearlings.

250	Applicants	
-----	------------------	--

Large Mouth Black Bass Yearlings and Adults.

2,200	Mississippi River.....	Bellevue, Iowa.
6,240	Applicants	
<u>8,440</u>		

Catfish Yearlings and Adults.

1,500	Maquoketa River.....	Manchester, Iowa.
1,000	Mississippi River.....	Bellevue, Iowa.
750	Applicants	
<u>3,250</u>		

Rock Bass Yearlings.

275	Maquoketa River.....	Manchester, Iowa.
950	Applicants	
<u>1,225</u>		

Pike Adult and Yearlings.

7,500	Mississippi River.....	Bellevue, Iowa.
-------	------------------------	-----------------